



Agenda Date: 7/20/00  
Agenda Item: IV-A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

**CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF	)	<b><u>RENEWAL</u></b>
CABLEVISION OF OAKLAND, INC. FOR	)	<b><u>CERTIFICATE OF APPROVAL</u></b>
RENEWAL OF A CERTIFICATE OF	)	
APPROVAL TO CONTINUE TO OPERATE	)	
AND MAINTAIN A CABLE TELEVISION	)	
SYSTEM IN THE BOROUGH OF ALPINE,	)	
COUNTY OF BERGEN, STATE OF	)	
NEW JERSEY	)	<b>DOCKET NO. CE99070443</b>

Schenck, Price, Smith & King, Morristown, New Jersey, by Sidney A. Sayovitz, Esq., for the Petitioner.

Borough Clerk, Borough of Alpine, New Jersey, by Gail Warming-Tanno, for the Borough.

**BY THE BOARD:**

On February 23, 1984, the Board granted Micro-Cable Communications Corp. d/b/a UA-Columbia Cablevision of New Jersey ("UA-Columbia") a Certificate of Approval in Docket No. 836C-6989, for the construction, operation and maintenance of a cable television system for the Borough of Alpine ("Borough"). Subsequently, UA-Columbia underwent internal restructuring and was doing business as United Artists Cable of New Jersey ("United Artists"). In Docket No. CO92080822, United Artists informed the Board that it would do business as TCI of Northern New Jersey ("TCINNJ"). On November 16, 1992, the Board approved the petition and recognized the name change. TCINNJ underwent further restructuring and informed the Board that it would no longer use the name Micro-Cable Communications Corp. and would now use the corporate name of TCI of Northern New Jersey, Inc. "TCINNJ, Inc."). The Board approved the transfer of the Certificate of Approval for the Borough from TCINNJ, Inc. to Cablevision of Oakland, Inc. ("Petitioner"), in Docket No. CF97090674, on December 17, 1997. Although the Petitioner's Certificate expired on February 23, 1999, the Petitioner is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on June 17, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent on April 28, 1999. On May 26, 1999, the Petitioner formally accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24.

On July 9, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. On October 27, 1999, the Borough amended its ordinance. On December 14, 1999, the Petitioner accepted the amended ordinance and on March 1, 2000, the Petitioner filed an amended petition for the Borough.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance and amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. The current local office is located at 40 Potash Road in the Borough of Oakland.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner has committed to install cable in all residences in the Borough at tariffed rates for standard and non-standard installation. Commercial establishments will be constructed in accordance with the Petitioner's commercial line extension policy attached to this Certificate as Appendix "I".

10. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application. Specifically, the Petitioner shall provide two channels that are shared by the Borough with neighboring municipalities as well as studio facilities.
11. Within a reasonable time after written request by the Borough or the Borough's PEG designee, the Petitioner shall provide the necessary wiring and related materials, excluding modulator and studio equipment but including demodulator, engineering and other labor to install two return lines for the use of existing or future PEG designees, which shall be in addition to the return line in use by the Borough's existing PEG designee. The return lines shall be installed at the locations chosen by the Borough and shall be provided without cost, if they can be accomplished without extraordinary expense. The Borough shall pay any costs for what would be considered a "non-standard" installation, or shall choose another location that could be installed at "standard" installation rates. The Petitioner shall provide scheduled technical assistance at any PEG designee's hub site and studio, as requested by the Borough.
12. The Petitioner shall provide residents of the Borough with a 12-week training course to provide practical and technical expertise for interested residents of the Borough.
13. At the request of the Borough, the Petitioner and the Borough's designee shall meet at least annually to review all matters related to cable television in the Borough, with minutes of said meeting to be delivered to the Petitioner and filed with the Borough.

Based upon these findings, the Board HEREBY CONCLUDES pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute

sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on February 23, 2009.

DATED: July 25, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW  
ACTING SECRETARY